

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2140.04
COMPLAINT INVESTIGATOR:	John Hill
DATE OF COMPLAINT:	May 26, 2004
DATE OF REPORT:	June 24, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 2, 2004

**COMPLAINT ISSUES:**

Whether the Anderson Community School Corporation violated:

- 511 IAC 7-27-7(a) by failing to implement Student A's individualized educational program (IEP) as written, specially:
  - a. Failing to provide transportation to ensure the student arrived prior to the start of the instructional day;
  - b. Failing to implement a behavior intervention plan (BIP) as written;
  - c. Failing to communicate with the parent regarding homework and discipline issues; and
  - d. Failing to allow the student time to get organized for the upcoming instructional day.
- 511 IAC 7-27-7(a) by failing to implement Student B's IEP as written, specifically:
  - a. Failing to implement the BIP as written; and
  - b. Failing to allow Student B to be released from class prior to the bell.
- 511 IAC 7-27-4 by failing to utilize the case conference committee (CCC) to revise Student B's IEP when the school proposed to eliminate the early release provision from the Student's IEP.

**FINDINGS OF FACT:**

1. Student A is fourteen years old and attends middle school (the "School"). Student A has been determined eligible for special education and related services as a student with an emotional disability.

Student B is fourteen years old and attends middle school (the "School"). Student B has been determined eligible for special education and related services as a student with autism spectrum disorder and a communication disorder.

2. The complainant alleges that Student A had been counted as tardy because the bus failed to pick the student up on time. The school states that on the days when the bus was late to pick up the student, the bus still arrived at the school in time for the students to get to their first class prior to the bell. The school attendance records for the students that ride the same bus to school as Student A indicate that the other students were not tardy for their first class on the same days that Student A was tardy for his first class.

3. The complainant alleges that when Student A receives an in-school-detention (ISD), that the detention would be served in a special education setting and not with general education students. Student A's BIP, dated December 4, 2002, did not specify a specific setting or location for an ISD.
4. Student A's IEP, dated November 24, 2003, states that the teachers will email the student's mother information regarding assignments not turned in and discipline issues. The school's letter of response, dated June 10, 2004, and Student A's CCC summary, dated May 24, 2004, indicate that some of Student's teachers did not communicate information to the parent regarding the Student's assignments and discipline issues.
5. Student A's IEP, dated November 24, 2003, does not specify that the student is to be given time to organize for the upcoming instructional day.
6. Student B's IEP and BIP, dated May 28, 2003, indicate that a daily behavior check sheet is to be utilized. The summary of the Student's BIP completed by the TOR, dated June 10, 2004, states that the Student was never a behavior problem so her behavior didn't warrant using a behavior check sheet.
7. The complainant alleges that the school has failed to allow Student B to be released from class prior to the bell in order to get to the bus at the end of the school day. During the first part of the school year, the school reports that they did allow the student to leave her last class a few minutes prior to the bell in order to get to her bus which picked him up on the far side of the building. Later in the school year the student's bus pick-up location was changed to the same side of the building as the student's last class. Upon this change, the student was no longer released prior to the bell. The Student's IEP and BIP, dated May 28, 2003, indicate the student is to have restricted passing periods and monitored or restricted hallway passing, but does not specify release prior to the bell for the next class or the end of school.
8. The summary completed by the TOR, dated June 10, 2004, states that Student B did have restricted passing periods and monitored hallway passing. The student was either escorted to her next class by the teacher or held until the tardy bell rang and then allowed four (4) minutes to get to her next class (the amount of time given for passing period).

## **CONCLUSIONS:**

1. Finding of Fact #2 indicates that Student A's bus did arrive at school prior to the start of the instructional day. Finding of Fact #3 establishes that the Student's BIP did not specify a specific location for an in-school-detention. Finding of Fact #5 reflects that the Student's IEP did not require the student to be given time to organize for the upcoming school day. However, Finding of Fact #4 indicates that the school failed to communicate on a consistent basis information to the parent regarding assignments not turned in and discipline issues. Therefore, a violation of 511 IAC 7-27-7(a) is found with respect to the failing to communicate with the parent regarding homework and discipline issues.
2. Findings of Fact #7 and #8 establish that the Student's IEP and BIP did not specify release prior to the bell. However, Finding of Fact #6 reflects that the school failed to utilize a behavior check sheet as specified in the Student's IEP and BIP. Therefore, a violation of 511 IAC 7-27-7(a) is found with respect to utilizing a behavior check sheet.
3. Finding of Fact #7 indicates that the Student's IEP did not specify an early release prior to the bell for the end of school. Therefore, no violation of 511 IAC 7-27-4 is found.

**The Department of Education, Division of Exceptional Learners requires The following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Anderson Community School Corporation Shall:

1. In-service all appropriate staff regarding the requirements to implement IEP's as specified in 511 IAC 7-27-7(a). Submit documentation to the Division that the in-service has been completed no later than September 15, 2004.